

PC to a customer's fax machine. For three or fewer requests placed at one time, call the clerk's office at 248-6500. To order more than three mailing lists, fax your request to 248-6540. This method is not recommended for cases with 100 or more creditors.

3. **Obtain on disk.** Albuquerque customers may use the computer with Internet access available in the file viewing room to download mailing lists onto the disk you provide. Out of town customers may mail in a list of case numbers, a floppy disk, and a self-addressed, stamped envelope for return of the disk. We will create the mailing lists and save them to the disk for you to print from your office.

Under either option 2 or 3, we guarantee processing of your request by the next business day, although in many cases it may be possible for us to fulfill your request while you wait.

## N.M. SUPREME COURT Professional Conduct Committee Vacancies

The Code of Professional Conduct Committee has six vacancies due to term expirations of several members. Attorneys interested in volunteering on this committee should send letters of interest and/or resumes to Kathleen Jo Gibson, Chief Clerk, P.O. Box 848, Santa Fe, NM 87504. Deadline for submission of materials is Nov. 19, 1997.

## DISCIPLINARY BOARD Formal Reprimand

In the Matter of Kurt Reif, Esq., An Attorney Admitted to Practice Before the Courts of the State of New Mexico Disciplinary No. 12-95-291 Supreme Court No. 23,630

Due to your successful completion of a one-year period of supervised probation, you are being issued this formal

reprimand in lieu of suspension from the practice of law.

The Supreme Court of New Mexico delineated all of your misconduct in *Matter of Reif*, 121 N.M. 758, 918 P.2d 344 (1996), so those matters will not be restated herein. That case chronicled 11 different matters in which you failed to adequately represent your clients. As the court stated, "The litany of [your] failings makes it clear that [you] should be grateful that the discipline being imposed is not more severe." In the *Matter of Reif*, 121 N.M. at 761, 918 P.2d at 347 (1996).

You demonstrated an alarming pattern of incompetence ranging from procedural errors to outright neglect. It was clear that you had either undertaken too many cases to give proper attention to each client's legal matter, or that you had undertaken cases in areas of law in which you did not have the requisite knowledge or the time to gain the necessary legal knowledge. You displayed a

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## FACTS ABOUT CHILDREN AND THE LAW

*Editor's Note: The American Bar Association recently released Facts About Children and the Law, a publication addressing 30 common questions about children and the legal system. The State Bar of New Mexico has made the factbook available to the media statewide, in a cooperative effort with the ABA, to continue to provide information and education to the public about the legal system. The Bar Bulletin will publish the questions and answers for the information of our members. Following is Question 8.*

**QUESTION 8:** Do students have a constitutional right to "free speech" in the context of public schools?

**ANSWER:** Students in public school (as opposed to a parochial or private school) have the right to free speech and expression, so long as the exercise of those rights would not materially and substantially disrupt the work and discipline of the school. However, courts have recognized that a school may impose reasonable regulations with respect to the time, place, and manner in which students and student organizations may conduct their speech-related activities. In addition, the First Amendment does not protect student speech that is vulgar, lewd, obscene, or plainly offensive. However, while school officials may, under certain circumstances, constitutionally limit a student's expression, they may not compel other expression. For example, a school requirement that students salute the flag and recite the Pledge of Allegiance was held unconstitutional by the U.S. Supreme Court.

A student's right to free speech includes the right to communicate his or her views by means of written materials, such as newspapers or pamphlets. The distribution of written materials may be prohibited only if it materially and substantially interferes with school activities. However, a public school may set high standards for student speech that is disseminated under its auspices. A school may take into account the emotional maturity of a school newspaper's intended audience, and may refuse to sponsor student speech that advocates conduct inconsistent with the shared values or civilized social order, or which associates the school with any position other than strict neutrality on politically controversial matters. For example, the court ruled that a high school principal was justified in excising two pages from a school newspaper on the ground that some articles located in those pages unfairly invaded the privacy of a certain pregnant student and a divorced parent.

Source: Donald Kramer, *Legal Rights of Children* vol. 2, 509-513 (2nd edition, 1994).

lack of diligence, promptness and failure to communicate which you should now realize cannot be explained away by merely stating that you were too busy.

In deferring your suspension and placing you on supervised probation, the court placed the burden squarely on you "to demonstrate that [you could] provide competent and diligent representation to [your] clients and that [you could] adequately communicate with them while doing so." *Id.* at 762, 918 P.2d at 348. It appears that you have met this burden during the period of your probation. Your supervising attorney reported that you were "cooperative and positive" and that your compliance with his directives was "excellent."

It is hoped that you have realized the error of your ways and are now able to practice law without the benefit of supervision. The court's approval of the consent agreement in your case was generous in light of the severity of your actions. You may rest assured that any future failure on your part to comply with the Rules of Professional Conduct will not be met with such generosity by the board.

This formal reprimand will be filed with the Supreme Court in accordance with Rule 17-206(D) NMRA 1997 and will remain part of your permanent records with the Disciplinary Board, where it may be revealed upon any inquiry to the board concerning any discipline ever imposed against you. In addition, in accordance with Rule 17-206(D) 1997, the entire text of this reprimand will be published in the State Bar of New Mexico *Bar Bulletin*.

### FIRST JUDICIAL DISTRICT Family Law Local Rules Project

The next meeting of First Judicial District family law practitioners who are participating or want to participate in developing possible revisions to the First Judicial District's family law local rules is at noon on Nov. 18 in the Family Court Services Conference Room. Note that this is a new location for the meeting.

Regular meetings are held on the third Tuesday of each month at noon. For copies of the currently proposed local rules, contact Janet Harpstrieth of the office of the Child Support Special Master. For information, contact Gini Nelson at 984-2278.

### SECOND JUDICIAL DISTRICT Notice of Filing Fee Changes

Effective Jan. 1, 1998, the Second Judicial District Court will enforce SCRA 1-099 (1989), *District court filing fees*, which states as follows:

A. **Docket Fee:** A filing fee shall be collected in civil matters in the amount prescribed by law for the docketing of any cause, whether original or re-opened or by appeal or transfer from a court of limited jurisdiction. For the purpose of this rule:

(1) "re-opened case" means the filing of any request for judicial action sixty (60) days or more after the final disposition of the case;

(2) "judicial action" shall not include:

(a) any request for action by the court which may be performed by the clerk of the court pursuant to these rules even if further action may be required by the judge;

(b) the filing of a motion to correct a mistake in the judgment, order or record; or

(c) the filing of any pleading to enforce a child support order entered in a domestic relations proceeding.

Lawyers and pro se litigants shall review every pleading or motion filed in any civil cause to determine whether SCRA 1986, 1-099, requires payment of a filing fee. When a filing fee is required to be paid, except for original filings of domestic relations cases, counsel and pro se litigants shall complete and file with the Pleadings or Motion a Rule 1-099 certificate. (These certificates are available in the civil clerk's office.) *In domestic relations cases, attorneys will continue to file the Attorneys Certificate as required by Local Rule.*

The determination as to whether a certificate is to be filed and a fee paid shall be made in accordance with the requirements of SCRA 1986, 1-011. If a required fee is not paid, the case will be closed, without disposition of pending matters, until payment is made. Note: This rule will be applied retroactively.

## STATE BAR NEWS

### APPELLATE PRACTICE SECTION Board Meeting

The Appellate Practice Section board will meet Nov. 21 at 3 p.m. in the board room of the Rodey Law Firm, 201 Third Street NW, Albuquerque.

## COMING UP

#### NOVEMBER 14

ADR Committee, noon,  
Bernalillo County District  
Courthouse

#### NOVEMBER 19

Joint Committee on Public  
Confidence in the Legal System,  
9 a.m., Bar Center

#### NOVEMBER 21

Appellate Practice Section Board,  
3 p.m., Rodey Law Firm

#### DECEMBER 4

Committee on Women and the  
Profession, noon, Rodey Law  
Firm

#### DECEMBER 4

Membership Services Committee,  
noon, Bar Center

Changes or cancellations in the  
published meeting schedule may occur.